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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
v.
UNITED STATES OF AMERICA

407CR223

AARON L. BROWNE

ORDER

I. INTRODUCTION

Before the Court in this "drugs-and-guns" criminal case is attorney Maury B. Rothschild's Criminal Justice Act (CJA) request for \$12,129.94 in attorney fees and costs for her representation of defendant Aaron L. Browne. See M. B. Rothschild CJA voucher form with supporting 3/20/08 letter and worksheet documentation.¹ Because this request exceeds the \$7,000 statutory maximum, 18 U.S.C. § 3006A(d)(2), the Court must "certif[y] that the amount of the excess payment is necessary to provide fair compensation." 18 U.S.C. § 3006A(d)(3). See, e.g., *U.S. v. Grabowiecka*, 2007 WL 1695375 at * 1 (S.D.Fla. 6/8/07) (unpublished).

II. BACKGROUND

The charges in this case stemmed from a marijuana importation scheme, doc. # 1 at 1, and Rothschild points out that, while this case was pending, Browne also faced a South Carolina-based indictment for marijuana importation. Counsel's research, investigation and negotiation culminated in Browne's plea to an information in this Court. Rothschild 3/20/08 Ltr. at 1-2. He has since been sentenced.

¹ The Court's CJA administrator reviewed and adjusted some of the amounts on this application. The Clerk is directed to file the entire fee application in the record.

III. ANALYSIS

The CJA (18 U.S.C. § 3006A(d)(1)) provides that at the conclusion of CJA representation, appointed counsel shall be compensated for time reasonably expended in and out of court plus reasonable expenses. *Id.* 18 U.S.C. § 3006A(d)(2) limits trial-level compensation to "\$7,000 for each attorney in a case where one or more felonies are charged" and \$5,000 per attorney on appeal. *Id.*

Under § 3006A(d)(3), this Court can waive the statutory maximum if it specifically finds and certifies that the case was "extended" or "complex." *Id.* "Extended is defined as a case requiring more time than the normal case. A complex case is defined as one involving facts unusual so as to justify expenditure of more time, skill and effort than normal." *Grabowiecka*, 2007 WL 1695375 at * 1.

So if the legal or factual issues in a case are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case, the case may be considered "complex." *Guidelines for the Administration of the Criminal Justice Act and Related Statutes*, Vol. 7, Guide to Judiciary Policies and Procedures, Sec. A, Ch. 2, Part C § 2.22B(3). If more time is reasonably required than the average case, including pre-trial and post-trial hearings, the case may be considered "extended." *Id.*

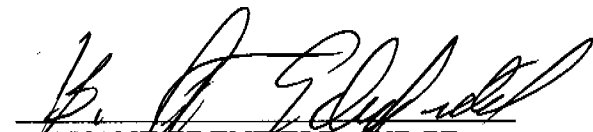
Rothschild's showing fails to meet the excess-compensation criteria. Legions of "guns and drugs" cases have marched before this Court, and the work performed in this case easily fits within the norm for litigating them. Citing "complexities" and "voluminous discovery" is something pretty much any defense lawyer can do; the Court discerns nothing beyond the norm here. For that matter, note the Court's 3/5/08, \$6090.33 total CJA compensation approval for co-defendant Qing Hong Xiang's counsel.

It is, of course, not for the taxpayers to subsidize the ongoing educational requirements of this Court's bar members, who are obligated -- since this is a *trial* bar -- to be available for criminal defense representation. See S.D.LOC.R. 83.11. A good portion of what is perceived as "excess" hours devoted to criminal defense work represents the cost of each lawyer's professional obligation to society, not to mention membership in this Court's bar. In that nothing in the instant record suggests that the legal issues in this case were significantly greater than the average, \$6000 for counsel's time, plus the \$552.54 she seeks for costs, is the more reasonable amount to award here. Accordingly, the Court awards counsel \$6,552.54.

III. CONCLUSION

The CJA fee petition of attorney Maury B. Rothschild is **GRANTED** in part and **DENIED** in part.

This 1st day of April, 2008.


B. A. EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA